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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CITY AND COUNTY OF SAN  
FRANCISCO and COUNTY OF SANTA  
CLARA,

Plaintiffs,

vs.

DEPARTMENT OF HOMELAND  
SECURITY; U.S. CITIZENSHIP AND  
IMMIGRATION SERVICES; KEVIN  
McALEENEN, Acting Secretary of  
Homeland Security; and KEN  
CUCCINELLI, in his official capacity as  
Acting Director of U.S. Citizenship and  
Immigration Services,

Defendants.

Case No. 4:19-cv-04717-PJH

**DECLARATION OF ANGELA SHING,  
COUNTY OF SANTA CLARA DIRECTOR  
OF DEPARTMENT OF EMPLOYMENT &  
BENEFITS SERVICES, IN SUPPORT OF  
THE COUNTIES' MOTION FOR  
PRELIMINARY INJUNCTION**

Hearing Date: October 2, 2019  
Time: 9:00 am  
Judge: Hon. Phyllis J. Hamilton  
Place: Oakland Courthouse  
Courtroom 3 - 3rd Floor  
Trial Date: Not set

1 I, Angela Shing, declare as follows:

2 1. I am a resident of the State of California. I submit this declaration in support of  
3 the City and County of San Francisco and County of Santa Clara's Motion for Preliminary  
4 Injunction. I have personal knowledge of the facts set forth in this declaration. If called as a  
5 witness, I could and would testify competently to the matters set forth herein.

6 2. I am currently the Director for the Department of Employment and Benefits  
7 Services (DEBS) in the County of Santa Clara's Social Services Agency (SSA), where I oversee a  
8 staff of approximately 1,600 administering the CalFresh, Medi-Cal, CalWorks, and General  
9 Assistance programs. I have over 17 years of experience working inside and outside of  
10 government agencies to improve service delivery and program operations. Prior to my current  
11 position, I served in Solano County as the Health and Social Services Deputy Director, leading  
12 the Employment and Eligibility Division, where I oversaw a staff of approximately 400 in the  
13 administering the benefit and services programs of CalFresh, CalWORKs, Medi-Cal, and General  
14 Assistance. Prior to joining Solano County, I held multiple roles with the San Francisco Human  
15 Services Agency acting as a technical (eligibility computer systems) and subject matter  
16 (Affordable Care Act) expert as a senior level manager in the administration of public assistance  
17 programs. Prior to working in direct county government administration, I was a management  
18 consultant with Deloitte Consulting, focusing on state and local government, where I became  
19 acquainted with the workings of 37 of California's 58 counties. I hold a Master's in Public Policy  
20 from the University of Southern California and a Bachelor's Degree in Political Science and  
21 Sociology from Boston College.

22 3. Santa Clara County is home to a multi-cultural population of approximately 1.9  
23 million residents and is the most populous county in Northern California. The County's  
24 immigrant population has grown significantly and, based on recent U.S. Census data, now  
25 comprises approximately 38% of the region's total population.

26 4. SSA provides a wide array of social services to residents throughout Santa Clara  
27 County, including in all 15 cities within the County and in the County's unincorporated areas.  
28 SSA serves all eligible residents, including many immigrant individuals and families, by

1 providing necessary resources and aid to promote their health, safety, and well-being, regardless  
2 of immigration status, ability to pay, race, religion, gender identity, or sexual orientation.

3 5. In SSA, DEBS provides low-income county residents with access to public  
4 programs that provide health coverage, employment services, foster care benefits, nutrition,  
5 homeless assistance, and support for basic living costs. In doing so, it promotes the transition of  
6 public assistance recipients to employment and self-sufficiency.

7 6. As the Director for DEBS, I am responsible for overseeing several County services  
8 and benefits programs, including CalFresh (California's implementation of the federal  
9 Supplemental Nutrition Assistance Program) and Medi-Cal (California's implementation of  
10 Medicaid), among others.

11 7. DEBS provides services, training, and outreach to County residents and families.  
12 DEBS has over 100 benefits managers and supervisors, and over 700 eligibility workers whose  
13 role it is to help eligible County residents apply for and receive federal, state, and local benefits.  
14 Under my direction, DEBS also publishes reports and statistical information on benefits  
15 application and service rates. The purpose of providing this information is to identify trends,  
16 predictions, and potential gaps in benefits programs so that the County may understand and better  
17 serve its residents.

18 8. The benefits enrollment process is resource- and time-intensive. There are several  
19 hurdles to reaching eligible would-be benefits recipients and educating them on the availability of  
20 County services, including such barriers to access as limited and/or unavailable transportation and  
21 technology. As part of the normal course of operations, DEBS staff spend a significant number  
22 of hours planning and conducting outreach, as well as collaborating with community partners, to  
23 engage eligible county residents to apply for, and maintain compliance in program requirements  
24 for, relevant public assistance programs.

25 9. As a part of my professional duties and responsibilities for supervision of benefits  
26 programs, I have become familiar with the rule on *Inadmissibility on Public Charge Grounds*, 84  
27 Fed. Reg. 157 ("Public Charge Rule" or "Rule"). I understand the Rule expands the definition of  
28 "public charge" in the immigration process for certain noncitizens to include consideration of

1 participation in certain non-cash benefits programs such as food and nutritional assistance for  
 2 low-income children and families (e.g., CalFresh) and basic health and well-being programs (e.g.,  
 3 Medi-Cal), among others.

4 10. From the time the Rule was proposed in October 2018, I have overseen staff in  
 5 both Solano County and Santa Clara County, and staff in both counties have observed that the  
 6 Rule has led to confusion and fear among the residents served.

7 11. The population we serve faces significant barriers and challenges that DEBS seeks  
 8 to help them overcome – homelessness, substance abuse, domestic violence, poverty, hunger,  
 9 often times lack of access to transportation, technology and other conveniences. The Public  
 10 Charge Rule has made our efforts at outreach, education, and enrollment even more challenging,  
 11 as we now have to combat an additional hurdle—the confusion, fear, and distrust of government  
 12 by noncitizens, and citizens, resulting from the Rule. Rebuilding trust will take more County  
 13 resources and more DEBS staff time, both to help County residents enroll in programs for which  
 14 they and their children are eligible and to help those eligible persons who have discontinued  
 15 benefits feel comfortable enough to reenroll.

16 12. My team in DEBS has worked hard to counteract the impacts and confusion  
 17 caused by the proposed Rule. We have spent over 1,000 hours answering questions about the  
 18 impact of the Rule, processing requests for disenrollment, analyzing the impact of the Rule on  
 19 program services and clients, engaging in discussions with community partners (e.g., food banks,  
 20 school districts, and others) about the impacts of the Rule, and on other education and outreach.  
 21 Despite these efforts, otherwise eligible recipients and would-be recipients have informed DEBS  
 22 staff that they are concerned and are afraid of the Public Charge Rule and its consequences.

23 **Impacts of the Rule on County of Santa Clara's CalFresh Program and Clients**

24 13. CalFresh, California's version of the federal Supplemental Nutrition Assistance  
 25 Program (SNAP), provides monthly nutrition benefits to individuals and families with low  
 26 income and provides economic benefits to communities. CalFresh is the largest food program in  
 27 California. CalFresh is federally mandated, state-supervised, and county-administered. CalFresh  
 28

1 benefits stretch food budgets, allowing individuals and families to afford nutritious food,  
2 including more fruit, vegetables, and other healthy foods.

3 14. The vast majority of residents in Santa Clara County who apply for and receive  
4 nutrition support from CalFresh are United States citizens. As of July 2019, in our County there  
5 are about 74,000 citizen individuals (adult and children) receiving CalFresh and just over 6,000  
6 noncitizen individuals (adult and children) receiving CalFresh.

7 15. The demographics of the clients receiving benefits are as diverse as the County  
8 population itself. In terms of ethnicity, CalFresh recipients are White, Vietnamese, African  
9 American, Filipino, and Hispanic, among many others. In terms of age, everyone from infants, to  
10 teenagers, to adults, to the elderly receive CalFresh, with infants and children up to 17 years old  
11 making up approximately 38% of the recipients.

12 16. Qualified non-citizens are eligible to apply for and receive CalFresh benefits, for  
13 themselves and their eligible infants, children, and other household members.

14 17. A household's CalFresh allotment is based on the household's net monthly income  
15 and the number of individuals in the household. The minimum monthly allotment for 1- and 2-  
16 person households is \$15. This amounts to \$180 per year, in CalFresh support. This is equivalent  
17 to 50 cents of food assistance per day.

18 18. If it takes effect, the Public Charge Rule would damage the County's ability to  
19 support residents with nutrition assistance through the CalFresh program, and eligible children,  
20 families, and adults will likely be deprived of access to basic nutrition and food needs. Some of  
21 those effects are likely already occurring in our County.

22 19. In recent months, the County, SSA, and DEBS have invested significant resources  
23 in educating the community and individuals with outreach efforts, training our hundreds of  
24 eligibility workers, and implementing programs to expand access to food and nutritional support  
25 through CalFresh.

26 20. For example, on May 7, 2019, SSA and Second Harvest Food Bank of Santa Clara  
27 and San Mateo Counties co-hosted a Community Convening Session entitled, "Get CalFresh  
28 Food and Keep SSI Benefits." The Community Convening Session targeted local non-profits and

1 community-based organizations that work with SSI/SSP recipients. Subject matter experts from  
2 SSA and Second Harvest Food Bank provided a workshop for the County's broad network of  
3 partners on how to help SSI/SSP recipients obtain and keep both CalFresh and SSI/SSP benefits.

4 21. On June 1, 2019, low-income seniors and people with disabilities who receive  
5 Supplemental Security Income/State Supplementary Payments (SSI/SSP) became eligible for  
6 CalFresh food assistance in Santa Clara County. There are approximately 43,000 elderly and  
7 disabled SSI/SSP recipients in Santa Clara County; approximately 13,000 of whom will likely  
8 meet the requirements to begin receiving CalFresh. For low-income community members  
9 susceptible to hunger and food insecurity, this historic expansion of CalFresh is a critical tool in  
10 providing access to good nutrition.

11 22. On June 18, 2019, we partnered with the Santa Clara County Office of Education  
12 and several school districts to help expand access to free and/or reduced-price meals under a  
13 variety of federal programs, particularly for children in historically low-income communities and  
14 communities of color. Individual children can apply for and be certified for free- and reduced-  
15 price meals based on participation in CalFresh. Additionally, through Direct Certification for  
16 Assistance Programs, students receiving CalFresh or other benefits may be automatically entitled  
17 to receive free- and reduced-price meals, and no application is necessary. And, under what is  
18 known as a community eligibility provision, schools and school districts with a minimum  
19 identified student percentage of 40% are eligible to receive free breakfast and lunch for all  
20 students at the school or school district. Identified students are those who are directly certified for  
21 meals at no cost on the basis of their participation in CalFresh, CalWORKs, the Food Distribution  
22 Program on Indian Reservations, and Medi-Cal, and the extension of these benefits go to students  
23 within the same household. Also included are students certified as homeless, migrant, foster,  
24 runaway, or participating in the Head Start program. To the extent the Public Charge Rule results  
25 in a decline of participation by eligible children in qualifying federal programs (e.g., CalFresh or  
26 Medi-Cal), it will also mean students and entire school districts may be deprived of access to free-  
27 and reduced-price meals at school. This would result in students in low-income school districts  
28 having greater food insecurity and less access to staple meals for which they are eligible.



23. Despite these County efforts, however, there has still been a decline in CalFresh participation by eligible noncitizens since October 2018.

24. From October 2018 to May 2019, the number of households receiving CalFresh benefits with at least one noncitizen household member has declined from approximately 15,000 to around 12,000 (an approximate decrease of 20%); while, over this same time the number of households receiving CalFresh benefits where all individuals in the household are citizens remained flat at approximately 26,000.

25. DEBS staff were able to estimate the economic impact of potential disenrollment/foregoing of CalFresh benefits by noncitizens in our County. Specifically, based on the period July 2018 to June 2019, the average CalFresh benefit amount per person was \$1,559 and the average discontinuance pattern for immigrants was 4.9%, which results in an estimated economic impact in the County of over \$416,000. If 25% of immigrants chose to disenroll or forego CalFresh benefits as a result of fear or confusion regarding the Public Charge Rule, the estimated economic impact to the County is approximately \$2.1 million in lost food support and nutrition for some of the County's families most in need, and a corresponding loss to grocery stores, family-run food stores, farmer's markets, and participating restaurants in the County. These children and families who are no longer receiving CalFresh benefits will have to turn elsewhere for basic food and nutrition needs, and many will look to the County and County partners (such as community-based organizations, food banks, and others) to provide additional resources and services, or simply go without.

#### **Impact of the Rule on County of Santa Clara's Medi-Cal Programs and Clients**

26. Medi-Cal is California's implementation of the federal Medicaid program. Medi-Cal is a public health program that offers health coverage for low or no cost. Implementation of the Affordable Care Act in 2014 significantly extended Medi-Cal eligibility in California.

27. Noncitizens adults who do not qualify for full scope Medi-Cal benefits may apply for full scope benefits on behalf of their eligible dependent children who qualify for full scope Medi-Cal benefits. This may be the case with mixed status households with 1 or more non-citizen parents with citizen children.

1           28.     Since October 2018, significant numbers of eligible noncitizens have either  
2 declined to enroll in or disenrolled from Medi-Cal.

3           29.     For example, the number of non-citizen adults receiving Medi-Cal has dropped  
4 from over 97,000 in October 2018 to approximately 90,000 by the summer of 2019 (an  
5 approximate decrease of 7%). This is in contrast to the population of citizen adults receiving  
6 Medi-Cal, whose numbers over the same period have remained largely flat, at just over 134,000  
7 in October 2018 and just under 134,000 in July 2019.

8           30.     As measured by households, the divergence between those with at least one  
9 noncitizen and those with only citizens is even more stark. From October 2018 to July 2019,  
10 Medi-Cal participation by households with only citizens *increased* from approximately 120,000  
11 to approximately 128,000 (an approximate increase of 6%), while participation by households  
12 with at least one noncitizen *decreased* from approximately 96,000 to approximately 83,000 (an  
13 approximate decrease of 13.5%).

14           31.     The economic value of Medi-Cal benefits is difficult to measure because the true  
15 value depends not just on the Medi-Cal health coverage but also on the type and cost of medical  
16 care services actually used. In addition, in the absence of Medi-Cal health coverage, the  
17 alternative medical services for the population served would likely be urgent care or emergency  
18 services, rather than preventative care, which would be a tremendous higher out of pocket cost to  
19 the consumer, as well as to the provider of services such as the County. With that caveat,  
20 however, DEBS staff were able to estimate the economic impact of potential disenrollment /  
21 forgoing of Medi-Cal benefits by noncitizens in our County. Based on that estimation, the  
22 economic impacts of the drop-off in Medi-Cal coverage are likely even greater than the fiscal  
23 impacts on the County's CalFresh program and recipients.

24           32.     Specifically, based on a Kaiser Family Foundation report, the average Medi-Cal  
25 provider spending per an enrollee in California is \$4,193 annually as of fiscal year 2014, and the  
26 actual average discontinuance pattern of immigrants in DEBS from July 2018 to June 2019 is  
27 1.9%, which would result in an estimated economic impact in the County of approximately \$4.6  
28 million. If 25% of immigrants chose to disenroll or forego Medi-Cal as a result of fear or



1 confusion from the Public Charge Rule, the estimated fiscal impact to the County is  
 2 approximately \$63.5 million. These children and families who are no longer receiving Medi-Cal  
 3 will have to turn elsewhere for preventative healthcare and medical emergencies, and many will  
 4 look to the County, hospitals, clinics, and community partners for additional resources on basic  
 5 aid and emergency services, often at significantly higher out of pocket cost and cost to provider.

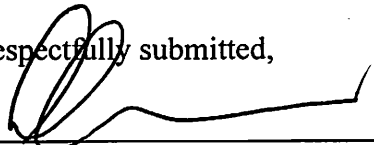
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7 33. Based on my experience in managing county benefits programs, knowledge of the  
 8 county residents applying for and receiving benefits, and direct observations as the Director of  
 9 DEBS and as an executive in other counties, I anticipate that if it goes into effect, the Public  
 10 Charge Rule will have a devastating effect on County benefits programs and direct services we  
 11 provide to infants, children, and families in need and on the County's obligations to provide basic  
 12 services to its most vulnerable residents. DEBS and the County as a whole will be strained to  
 13 address the aftermath of: more children in our County going hungry even though they and their  
 14 families are eligible for food and nutrition assistance; low-income students in schools and entire  
 15 school districts being deprived of free- and reduced-price meals and thus making it harder to  
 16 concentrate and learn as they go through the school day hungry; eligible working adults not  
 17 having access to basic support while they transition to full employment, making it harder for them  
 18 to obtain self-sufficiency; and eligible families going without basic medical care because they are  
 19 confused and frightened about seeking such care for themselves and for their infants and children.

20  
 21 I declare under penalty of perjury under the laws of the United States of America that the  
 22 foregoing is true and correct and that this declaration was executed on August 28, 2019 in San  
 23 José, California.

24 Dated: August 28, 2019

Respectfully submitted,

  
 \_\_\_\_\_  
 Angela Shing

Director of Department of Employment and  
 Benefits Services, County of Santa Clara